

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-594

February 22, 2002

NETWORK PLUS, INC.
Petition for Finding of Public
Convenience & Necessity to Provide
Service as a Local Exchange Telephone
Utility

ORDER DISMISSING
APPLICATION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order we dismiss without prejudice the Application filed by Network Plus, Ltd. (Network Plus) for authority to provide local exchange service in the State of Maine.

II. DISCUSSION

On July 31, 1998, Network Plus filed an application pursuant to 35-A M.R.S.A. § 2102 to provide local exchange service in Maine. The Commission Staff had previously communicated with Network Plus on a number of occasions about deficiencies in the schedule of rates and terms and conditions ("tariff") that accompanied the application. This application was dismissed in August of 2000 but reinstated. Although the staff indicated that a recent draft tariff appeared to be satisfactory, Network Plus stated that it wished to file a new tariff. Despite several communications about the filing of this tariff, Network Plus has not made the filing as of this date.

We find that this application has been pending for too lengthy a period and we therefore dismiss it without prejudice. We note that since the application was filed we have made a number of important changes to our application package (that is available at our website and from the Administrative Director). Any new application that Network Plus may file should take these changes into account.

Accordingly, we

O R D E R

That the application for authority to provide telephone service in Maine filed by Network Plus, Ltd. on July 31, 1998 is hereby found to be insufficient and is dismissed without prejudice.

Dated at Augusta, Maine, this 22nd day of February, 2002.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.